

May 30, 2014

Federal Election Commission  
Office of Complaints Examination  
and Legal Administration  
Att: Kim Collins, Paralegal  
999 E Street, NW  
Washington, D.C. 20436  
RE: MUR #6819

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
2014 JUN -3 AM 10:40  
CELA

Ms. Collins:

I am in receipt of your memorandum, MUR 6819, suggesting that I, as a candidate for U.S. Congress and as Treasurer of my principal Candidate Committee, may have violated the Federal Election Campaign Act of 1971. I believe that this complaint should be dismissed without prejudice, as it is entirely without merit. Here are my reasons:

1. According to the complaint, I became a candidate on or before April 7, 2014. This is not true. According to the Federal Election Commission's own Campaign Guide, I did not become an official candidate and did not have to file the appropriate forms until I reached the \$5000 threshold of contributions: *"Once his contributions or expenditures exceed \$5,000, he becomes a candidate and must register under the Act."*

The attached bank statement attests to the fact that *I did not reach that threshold until April 28, 2014, when I received the final contributions that put me over the \$5000 threshold.* On that date, which was a Monday, I went to my P.O Box, in Maitland, FL. In it, were several letters from potential supporters containing contributions of varying amounts. I deposited the last few checks in a proprietary bank account, which I set up specifically to ensure that no monies sent to me as contributions would be mingled in any way with my personal funds. *On that day, April 28, 2014, I reached and exceeded the \$5,000 contribution threshold.*

2. Regarding the main complaint in MUR #6819 that I had failed to register my candidacy on time: On that same day, April 28, 2014, *when I received the last check that put me over the \$5000 threshold, I sent in my FEC forms 1 and 2 to the appropriate address in Washington, D.C.* My forms were correctly filled out and I put the envelope into the mail box at my local post office, in Maitland, FL. I expected to receive information within a few days, that my forms had been

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processed but almost two weeks went by with no notification from the FEC.

On May 12, 2014, I called the FEC because I still did not see my name on the FEC website and received no notification informing me of my campaign number. I was shocked when I was told that the Committee had no record of receiving my forms. I complained bitterly that I had posted them on *April 28, 2014*, the same day that I reached the \$5000 threshold, and that the forms were duly signed, sealed and sent out on time. I further upbraided the FEC for carelessness in losing or misplacing my letter, containing both FEC forms 1 and 2. However, I was merely told "*not to worry*" and to resend the forms, which I did, on May 13<sup>th</sup>, having no viable alternative. This time, however, I sent the envelope certified mail. So, while I followed the intent and the letter of the law, by sending in my forms on *April 28, 2014*, the same day I reached the \$5000 threshold, the fault lies with the FEC in misplacing my original application for candidacy, as well as my designation of a principal Campaign Committee and myself as its Treasurer.

3. According to the complaint, I made statements that *referred to myself as a candidate*. This is also untrue. Up until the time I reached the \$5000 threshold, I was, again, according to the Campaign Guide, merely "testing the waters." I made it perfectly clear to everyone that I spoke with, and to all potential contributors, that I was not an official candidate, and would not be one until I had raised the \$5000, which, according to FEC regulations, would require me to register as such.

Even, at times, when I was introduced as "a candidate," to various groups of people, I made it absolutely clear that I was only *thinking about running* and would make the decision based on the interest I might be able to garner, and the money I would be able to raise. There were even instances when people asked me why I was *not* referring to myself as a candidate, and were upset with me, thinking that I was prevaricating. I actually had to inform them that the FEC ~~strictly prohibited me from referring to myself as a candidate until I made it official by reaching~~ the \$5000 threshold and submitting my forms.

So, in no way did I ever say in print, in person, on video, or on a Facebook page that I was a candidate for Florida's 7<sup>th</sup> Congressional District seat. Even the language quoted in the complaint, itself, is all entirely conditional: "*Al Krulick is planning to run for Congress; I will need to qualify by the end of April;*" "*... regarding my intention to run for Congress;*" etc. These are all statements made by a *potential* candidate who is still "testing the waters." Therefore, the suggestion that I was a candidate on or before April 7, 2014 is not supported by the facts, nor by the FEC's own regulations.

4. Regarding the complaint that I had mentioned on my Facebook page that I had “raised *more than half* the necessary \$10,400 to qualify for the ballot,” and therefore, would have been \$220 over the \$5000 threshold: Unfortunately, this statement, and others like it, was merely hyperbolic and not actually or factually correct. The truth is, *I had not received more than half the money to qualify*, which would have put me over the \$5000 threshold. *I simply had promises* from a number of people that they were considering sending me money, but did not have the pledged contributions in hand. The fact is, that *until April 28<sup>th</sup>, I had not reached the \$5000 threshold and was still “testing the waters” for a potential run. On that day, however, I received the final checks and deposited them in my account, and that was the day – April 28, 2014 - that I became an official candidate.*
5. Regarding the complaint that *I was a candidate because I had an “official address”*: My understanding is that it is standard procedure to obtain a post office box in order to receive contributions and other communications for a potential candidacy. I did so in order to separate any official communications to and from a possible campaign, from my home address. The notion that I was a candidate merely because I had a post office box is spurious and clearly without merit.
6. Regarding the complaint that I was a candidate because I requested “*campaign contributions to qualify for the ballot*”: In Florida, the rules are that one may qualify for the ballot by signature petition or by paying a qualifying fee to the Secretary of State. In my communications with potential supporters, I was attempting to explain to them that since the period for qualifying by signature petition had passed, *the only way I could become a candidate would be to raise the necessary funds to meet the amount stipulated in Florida’s election laws.* In fact, I made it clear that *I would not be able to be an official candidate unless and until the qualifying period had passed and I had enough funds to meet the qualifications.* This is clearly an instance of “testing the waters,” since *if I could not make the qualifying fee, I could not run for office. The qualifying period began on April 28<sup>th</sup>, the same day I reached the \$5,000 and sent in my form to the FEC to officially register as a candidate and name my Campaign Committee and myself as its Treasurer.* With an additional contribution from my own personal funds, and a few more checks from friends and family, I was able to qualify as an NPA candidate for Florida’s 7<sup>th</sup> C.D. by sending my fee of \$6,960 to Tallahassee on April 30<sup>th</sup>.

In summation:

- *I was not a candidate until April 28, 2014, when I reached the \$5000 threshold, requiring me to register myself and my principal candidate committee with the FEC.*
- *I sent in my FEC forms 1 and 2 on April 28, 2014, the same day that I reached the \$5000 threshold, meaning that I did not fail to designate myself as a candidate and treasurer of my principal Campaign Committee, and I did not fail to file a Statement of Organization in a timely manner, but because that original filing was lost or misplaced by the FEC, I had to resend the forms on May 13<sup>th</sup>.*
- *I carefully and continually referred to myself only as a potential candidate, who was intending to run only if I could raise the necessary interest and funds.*
- *I have honestly and diligently attempted to comply with all FEC rules and regulations and have likewise attempted to comply with both the spirit and the letter of the law as stipulated in the Federal Election Campaign Act of 1971. I believe that my candidacy for U.S. Representative from Florida's 7<sup>th</sup> C.D. is legitimate and that no action should be taken against me or my campaign.*

Thank you for your attention to this matter.

Yours truly,

Al Krulick



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